

EXHIBIT 5

**MAYORAL PROCLAMATION OF CIVIL EMERGENCY
CITY OF SEATTLE**

WHEREAS, the killing of George Floyd by a police officer in Minneapolis on May 25, 2020, has generated anger and outrage across the United States, resulting in mass demonstrations;

WHEREAS, the City supports the peoples' right to lawful assembly guaranteed by the Constitution of the United States of America and the Constitution of the State of Washington. Due to the current State of Emergency and the Governor's Stay Home Stay Healthy Order, the City was unable to issue a parade and/or demonstration permits to groups who wished to lawfully assemble to voice their opinions, and plans to escort parades and otherwise assist in the safe and lawful right of speech and assembly; and

WHEREAS, the City regularly facilitates and supports unpermitted demonstrations and events to ensure public safety while preserving free speech and assembly; and

WHEREAS, the City recognizes that parades and demonstrations which will travel upon public streets and sidewalks, will disrupt and impair pedestrians, motorists and transit, and the City recognizes that some disruption is part of the rights of free speech and lawful assembly which the City will safeguard; and

WHEREAS, in the evening of May 29, 2020, unpermitted demonstrations were facilitated by the Seattle Police Department, but resulted in property damage to businesses in the downtown core and the arrest of several individuals; and

WHEREAS, in other cities, including Atlanta, Phoenix, New York, Houston, San Jose, Los Angeles, Dallas, Portland, and Minneapolis, demonstrations over the killing of George Floyd have turned violent and led to property destruction, injuries to demonstrators, significant uses of force by police, and injuries to both demonstrators and police officers; and

WHEREAS, in Detroit, MI, on May 28, 2020, a 19-year old man was killed by gunfire at a related demonstration; and

WHEREAS, in many cities, including Minneapolis, St. Paul, Louisville, Milwaukee, Columbus, Atlanta, Portland, Cincinnati, and Denver declared states of emergency and established mandatory curfews; and

WHEREAS, the National Guard has been mobilized in Minnesota, Georgia, Oregon,

WHEREAS, during the demonstrations in Seattle on May 30, 2020, Seattle Police Officers were assaulted with rocks, bottles, and other projectiles, Seattle Police Patrol cars were set on fire, a Seattle Police rifle stolen from a police vehicle and fired, hundreds of demonstrators marched down I5, shutting it down for vehicular traffic, Molotov cocktails were made and objects thrown at Seattle Police HQ that smelled of accelerant, followed by flares; and

WHEREAS, many businesses and personal were targeted for significant property damage; and

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WHEREAS, a global request for mutual aid to all local law enforcement agencies was issued at 4:27 pm; and

WHEREAS, the presence of large numbers in a limited space combined with the clear and present, and escalating, threat of violence, presents an unacceptably high risk of serious injury to innocent people including lawful protesters and police, as well as significant property damage;

WHEREAS, these events are rapidly evolving and police responses are escalating even during the drafting of this order and the ability of the police to effectively control the situation is rapidly being compromised;

NOW, THEREFORE,

I, Jenny Durkan AS MAYOR OF THE CITY OF SEATTLE DO PROCLAIM THAT:

SECTION 1: CIVIL EMERGENCY POWERS

A. A civil emergency exists requiring and authorizing me to exercise the emergency powers vested in me as Mayor by RCW Chapter 38.52, the Charter of the City of Seattle, Article V, Section 2, and Seattle Municipal Code Chapter 10.02 as described in this proclamation;

B. Effective upon my signing this proclamation, I will be exercising that authority through the issuance of Executive Orders and through the use and direction of City personnel, services and equipment and additional acts necessary to the management of this emergency; and

C. Pursuant to Seattle Municipal Code section 12A.26.040, it is unlawful for anyone to fail to obey an Emergency Order issued or proclaimed by me when he or she knowingly violates any order issued under authority of sections 10.02.010 or 10.02.020 of the Seattle Municipal Code.

SECTION 2: DETERMINATION OF EMERGENCY

Based on my review of the present circumstances recited above I have determined that the foregoing described circumstances constitute a civil emergency with a high degree of risk of injury to persons, including deaths, as well as damage to property which has occurred or is likely to occur in the near future to such an extent as to require me to exercise the authority assumed in Section 1 and to take the extraordinary measures in Section 3 in order to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.

SECTION 3: CONTRACTING AND BORROWING AUTHORITY

Pursuant to SMC Section 10.02.030, I hereby assume the authority to enter into contracts and incur obligations necessary to relieve the emergency, protect the health and safety of persons and property, and provide emergency assistance to the victims, and to exercise them in light of the exigencies of the situation without regard to time-consuming

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procedures and formalities prescribed by ordinance, statute, rule or regulation (excepting mandatory constitutional requirements), including, but not limited to the following limitations and requirements:

- The budget law (RCW 35.32A) and the adopted City budget;
- Competitive bidding and the publication of notices pertaining to the performance of public works (RCW 35.22.620 et seq.; RCW Chapters 39.04 through 39.12; SMC Chapter 3.18; and SMC Chapter 20.48, etc.);
- Entering into contracts;
- Incurring of obligations;
- Employment of temporary workers;
- Rental of equipment;
- Purchase of supplies and materials (including Seattle Municipal Code Chapters 10.02 and § 10.02.070); and
- Appropriation and expenditure of public funds.

I intend to consult with the City Council wherever practical and present any such order at the earliest practicable time to the City Council for review and appropriate legislation.

SECTION 4. DELEGATION OF AUTHORITY

I delegate to the following City department heads the authority under my supervision to take the actions identified for and on behalf of the City:

A. To the Fire Chief and Police Chief, direction of any necessary population and property protection, as well as control of incidents and maintenance of public peace and order. Other departments and personnel will assist as requested.

I delegate to City department heads generally the authority to permit the use and closure of City facilities and equipment under their control for supplying necessary food, clothing, medicines, shelter or transportation to care facilities for people in need of assistance; to reassign personnel from their ordinary duties to work deemed necessary for the emergency without regard to job classifications, and to require work beyond normal working hours; and to secure the assistance of volunteers and donations of supplies or the use of equipment in performing tasks that the department head deems most helpful in relieving the emergency.

SECTION 5: CIRCULATION

A copy of this Proclamation and any civil emergency order issued hereunder shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Proclamation and any civil emergency orders

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issued hereunder shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Proclamation to the public, as many other available means as may be practical to use shall be used, including but not limited to posting on public facilities, computer websites, and public address systems.

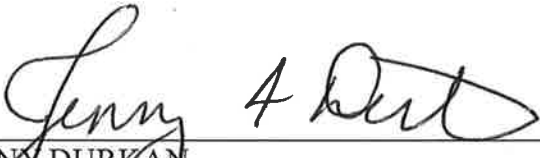
SECTION 6: RESENTATION, RATIFICATION, TERMINATION

This Proclamation shall be filed immediately after issuance, or as soon as practical, with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection. The Council may, by resolution, modify or reject the proclamation and, if rejected, it shall be void. If the Council modifies or rejects the proclamation, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of the proclamation. The Council shall endeavor to act on any proclamation of civil emergency within 48 hours of its being presented to the Council by the Mayor.

This Proclamation shall be terminated by the issuance of another proclamation when I determine that extraordinary measures are no longer required for the protection of the public peace, safety and welfare, or by the passage of a termination resolution by vote of not less than two-thirds (2/3) of all the members of the City Council. Before termination of this civil emergency I or the City Council shall consult with the Chief of Police, the Fire Chief, the Director of Public Health, and the Director of Emergency Management to determine if there are any fiscal, public safety response or disaster recovery imperatives that require the continuation of emergency measures.

I intend to consult with the City Council wherever practical and present all orders and proclamations at the earliest practicable time to the City Council for review and appropriate legislation.

DATED at Seattle, Washington, this 30th day of May, 2020, at 4:58 o'clock (a.m./p.m.).



 JENNY DURKAN
 MAYOR OF THE CITY OF SEATTLE